THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

Writ Petition No.27571 of 2005

28.12.2005

BETWEEN

Meghu Lamani, S/o Bhimai

.....PETITIONER

AND

The Commandant, Central Industrial Security Force, Ministry of Home Affairs, CISF Unit, NFC, ECIL Post, Hyderabad.

.....RESPONDENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

Writ Petition No.27571 of 2005

ORDER:

The petitioner was employed as a constable in CISF in the year 1990. He was not accorded any promotion for the past several years. In accordance with the circulars in force, he was extended the benefit of Assured Career Progression (ACP) on completion of 12 years of service in the year 2002. Through office memo, dated 23.12.2005, the respondent withdrew the said benefit on the ground that the petitioner did not clear the Promotional Cadre Course (PCC). The petitioner challenges the same stating that though he failed PCC in January, 2005 in one paper, he cleared the same in April, 2005 in the supplementary.

Heard the learned counsel for the petitioner and the learned Standing Counsel appearing for the respondent.

It is not in dispute that extension of the benefit extended under ACP depends upon the successful completion of PCC by the candidates. If the PCC is not completed within the stipulated time, the benefit of ACP is liable to be withdrawn.

The petitioner states that every candidate is entitled to appear for the PCC for three times and it is only when the candidate is not successful in three attempts, the benefit under ACP is liable to be withdrawn.

The respondent has withdrawn the benefit of ACP to the

petitioner, in view of the fact that the petitioner failed in PCC in January, 2005. The question as to whether the petitioner cleared the PCC at a later stage and if so, what are the consequences thereof, needs to be considered by the respondent. The petitioner can bring the factum of his subsequent clearance of the examination to the respondent and necessary orders need be passed by the latter.

Hence, the writ petition is disposed of leaving it open to the petitioner to make a representation to the respondent bringing to his notice the factum of clearance of PCC in April, 2005 with necessary enclosures. On receiving the same, the respondent shall consider it with reference to the existing rules and issue necessary orders within a period of two months therefrom. Till such time, no recovery shall be effected from the petitioner. No costs.

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28.12.2005

VGB